IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10688 of 1996
With
SPECIAL CIVIL APPLICATION No. 10689 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KUMUDBEN D ACHARYA - Petitioner(s)
Versus
SIDHPUR MUNICIPALITY - Respondent(s)

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Appearance :
MR JAL SOLI UNWALA for Petitioner(s) : 1,
MR PK SHUKLA for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 15/11/2006

ORAL JUDGMENT

By way of this petitions under Article 226 of the Constitution of India, the respective petitioners, employees of the Sidhpur Municipality were constrained to

approach before this Court for an appropriate order directing the respondent authorities to release the pension of the petitioners as also to make the payment of provident fund, gratuity etc.

2. By way of affidavit-in-reply, it was pointed out that financial position of the respondent municipality was not sound and therefore, there was delay in making the payment of retirement benefits.

By order dated 12-3-1997, this Court while admitting the present Special Civil Application, granted interim order directing the respondent municipality to pay all the retirement benefits due and payable to the petitioners within a period of eight weeks. Today, when the matters were called out, Shri PK Shukla, learned advocate appearing on behalf of the respondent municipality has submitted that except 1/3 commuted pension, entire amount towards retirement benefits such as provident fund, gratuity etc, were already paid and even the remaining amount due and payable has also now been paid to the respective petitioners. The Chief Officer and the President of the municipality are personally present pursuant to the order passed by this Court dated 8-11-2006. In view of the fact that amount is

already paid, no further order is passed against the Chief Officer and the President of the municipality though the order has been complied with belatedly.

3. Shri Sarthak Vyas, learned advocate appearing on behalf of the respective petitioners has submitted that so far Special Civil Application No.10689 of 1996 is concerned, he has already received instruction from his client confirming the fact that the entire retirement benefits are paid. In view of the above, no further orders are required to be passed by this Court as the entire retirement benefits are paid to the respective petitioners.

4. With this, the present petition is disposed of. Rule discharged. The respondent municipality is directed to pay the cost of these petitions to the respective petitioners within a period of one month from today which is quantified at Rs.1500/- per each matter, as no fault of the petitioners their retirement benefits were not paid and they were constrained to approach before this Court.

(M.R.SHAH,J.)

shekhar/-